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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,409	04/08/2004	Gregory J. May	200312860-1	7814

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EXAMINER

WOLLSCHLAGER, JEFFREY MICHAEL

ART UNIT PAPER NUMBER

1732

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/820,409

Applicant(s)

MAY, GREGORY J.

Examiner

Jeff Wollschlager

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04082004/08152005</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of claims 1-11 in the reply filed on October 17, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 12-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 17, 2005.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Luther et al. (U.S. Patent 6,045,734; issued April 4, 2000).

Regarding claim 1, Luther et al. teach a method of producing a three-dimensional object comprising the step of forming an identifiable structure within the three-

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dimensional object, wherein the identifiable structure within the three-dimensional object can be detected using a non-invasive dimensional imaging device (col. 6 line 45 – col. 7 line 17; col. 7 lines 49-51). In Luther et al., the identifiable structure is a braided metal sleeve that is radiopaque and the three dimensional object is a catheter.

Regarding claim 2, Luther et al. teach providing a build material and a contrast enhancing material wherein the three-dimensional object is constructed of the build material and the identifiable structure is fabricated from the contrast enhancing material. Additionally, regarding claim 5, Luther et al. teach the three-dimensional object is constructed of the contrast enhancing material and the identifiable structure is fabricated from the build material. The braided metal middle sleeve in Luther is a contrast enhancing material. As the examiner understands the terms, it also serves as a build material. Additional build materials in Luther et al. are a first layer comprising polytetrafluoroethylene (col. 6 lines 50-53) and a third layer containing a polyurethane material (col. 6 line 65 - col. 7 line 2).

Regarding claim 3, the method of forming the three-dimensional object taught in Luther et al. includes disposing at least one layer of the build material onto a first area in an iterative manner (col. 6 lines 45-55) disposing at least one layer of the contrast enhancing material and the build material onto the first area, wherein the contrast enhancing material being disposed onto a designated area, wherein the build material being disposed onto a second area, wherein the second area and the designated area are different areas of the first area; forming the identifiable structure from at least one layer of the contrast enhancing material (col. 6 lines 56-64); disposing at least one layer

of the build material onto the second area and the designated area; and forming the three-dimensional object (col. 6 line 65 – col. 7 line 18)

Regarding claim 4, Figure (4) and Figure (5) in Luther et al. show that the radiopaque braided metal sleeve forms a plurality of identifiable structures within the three-dimensional object. Additionally, Figure (4) and Figure (5) show air gaps between the metal braids. This forms a unique shape and pattern, meeting the limitations of claim 7 and claim 10.

Regarding claim 6, the radiopaque braided metal braid is a contrast enhancing material.

Regarding claim 8, the radiopaque braided metal sleeve can be detected with an X-ray device.

Regarding claim 9, the braided metal sleeve is made with a radiopaque colorant with a thickness of approximately 0.0007 inches and a width of approximately 0.003 inches (col. 5 lines 15 – 18; col. 7 lines 48-52)

Regarding claim 11, Figure (4) and Figure (5) in Luther et al. show that the braided metal sleeve leaves voids between the braids. The void is an identifiable structure detectable between the radiopaque braids that forms a unique shape and pattern.

**Conclusion**

All claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Wollschlager whose telephone number is 571-272-8937. The examiner can normally be reached on Monday - Friday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW  
Jeff Wollschlager  
Examiner  
Art Unit 1732

January 18, 2006

  
MICHAEL P. COLAIANNI  
SUPERVISORY PATENT EXAMINER